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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,128	09/12/2003	Scott E. Morgan	EA-00235	9071

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BROOKS & CAMERON, PLLC  
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MINNEAPOLIS, MN 55403

EXAMINER
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PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,128	<b>Applicant(s)</b> MORGAN, SCOTT E.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9, 10, 13 and 27 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/13/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

This is a first office action in response to application no. 10/662,128 filed on September 12, 2003 in which claims 1-27 are presented for examination.

#### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: Claim 8 depends on claim 8. Appropriate correction is required.

The dependency of claim 8 is ambiguous, therefore, the examiner will make claim 8 dependent upon claim 7.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 9-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Downes, Robert John et al. (EP Publication no. 0 466 499 A1).

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Regarding claim 1, Downes discloses in figs 1-2 the same airborne imaging system comprising a blister housing disposed on a host vehicle, the blister housing having a leading end, a trailing end and a payload area, the leading end aligned with a leading end of the host vehicle (See Downes col. 1, lines 10-26), an air inlet defined by the leading end of the blister housing, an air channel connecting the air inlet to a power unit disposed within the blister housing (See Downes fig. 2, item 5 col. 4, lines 13-24), a command/control system disposed within the payload area operably powered by the power unit (See Downes col. 1, lines 17-19 and col. 2, lines 38-46), a payload ejection system operably coupled to the command center for releasing an assessment system from the payload area, the assessment system including an imaging system (See Downes col. 1, lines 43-56), a transmitter and a parachute (See Downes col. 2, lines 30-46).

As per claim 2, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Downes further discloses the same imaging element wherein the host vehicle is a gravity bomb, a remotely piloted vehicle, or a missile (See Downes Fig. 2, and col. 5, lines 1-15).

As per claim 3, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Downes further discloses the same imaging system wherein the blister housing includes a mating face and an external face, the mating face

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covered by a pressure mounted adhesive layer for adhering to an external surface of the host vehicle (See Downes col. 2, lines 30-46, col. 4, lines 32-37).

As per claim 5-6, Downes further provides an external interface for communication with the command/control system, and wherein the assessment system is eccentrically weighted so as to produce pendular motion while suspended from a parachute (See Fig. 2 and col. 3, lines 7-19).

As per claim 7, Downes further an assessment system including an optical imaging device (See Downes col. 3, lines 47-50).

As per claims 9 and 13, the parachute in Downes is conical as seen in fig. 2.

As per claim 10, an antenna is an inherent feature in a transmitting system.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downes, Robert John et al. (EP Publication no. 0 466 499 A1).

As per claim 27, Downes discloses an airborne imaging system remotely connected to a receiving station comprising a blister package including a blister operably connected to a host vehicle (See Downes col. 1, lines 10-26), a command/control section positioned within the blister housing to sense a desired orientation of the blister housing, a power system operably connected to the command/control system (See Downes col. 1, lines 17-19 and col. 2, lines 38-46), and an assessment sensor system, selectively deployed from the blister package upon achieving the desired orientation, the assessment sensor system including an eccentrically weighted imaging payload (See Downes col. 2, lines 30-53), a paradevice to suspend and rotate the eccentrically weighted imaging payload, and a transmitter system that communicates a sensor output with the receiving station (See Downes col. 1, lines 27-56).

It is noted that Downes is silent about providing a laptop receiver as specified in the claim.

However, the examiner takes Official Notice that such a computer is well known and commonly used because it offers portability. Therefore, skilled artisan would be motivated to incorporate such a conventional laptop in Downes' imaging system to reduce the burden of sitting at one location when it is required to be in different places.

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6. Claims 4, 8, 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-26 are allowed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frank (US Patent no. 7005982) teaches carrier security system.

Colting (US Patent no. 7055777) teaches airship and method of operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

February 28, 2007